

REMARKS

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

By the present response, Applicant has amended claims 15, 23 and 25 to further clarify the invention. Claims 1-26 remain pending in the present application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1-7, 11-15, 21-25 and 26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,608,061 (Criss et al.). Claims 8-10 and 16-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Criss et al. in view of U.S. Patent No. 5,210,751 (Onoe et al.).

Response to Arguments

In response to Applicants arguments that the cited prior art does not disclose or suggest downloading information through a paging channel, the Examiner responds that in col. 21, lines 23-34, Criss et al. shows that the file field includes the contents of the file, file downloaded to

terminal; file transmitted as a “message”, hence paging channel. However, these portions merely relate to the mobile terminal transmitting a file request packet to a host computer and the host computer forms a file packet and transmitting it back to the mobile terminal. These portions do not disclose or suggest anything related to a paging channel. For the Examiners understanding, as defined in Newton’s Telecom Dictionary, 21st edition, paging channel is defined as a channel that “carries signaling information for set up and delivery of paging messages from the cell site to the user terminal equipment”. Criss et al. merely discloses transmitting packets which are transmitted via the normal data channels. Criss et al. does not disclose or suggest downloading information through a paging channel. The Examiner appears to use impermissible hindsight in reading the limitations in the claims of the present application back into the cited reference.

Further, in response to Applicant’s arguments that the cited prior art does not disclose or suggest resetting the at least one mobile station using the stored information downloaded through the paging channel, the Examiner responds that Criss et al. shows, in col. 13, lines 59-62, that the files stored in the mobile terminal and in col. 14, lines 55-60, mobile terminal resetting capability. However, the mere disclosure in a reference of the ability to store a file or a mobile terminal having the capability to be reset does not disclose or suggest resetting a mobile station using stored information downloaded through a paging channel, as recited in the claims of the present application.

Further, in response to Applicant's arguments that the cited prior art does not disclose or suggest storing the data messages communicated from a common terminal to distributed terminals in each of the distributed terminals, the Examiner responds merely that Criss et al. at col. 13, lines 59-60 shows mobile terminal file storage capability. Again, this is an improper § 102 rejection. The mere disclosure of a mobile terminal having file storage capability does not disclose or suggest storing data messages, communicated from a common terminal in each of the distributed terminals, as recited in the claims of the present application. Criss et al. does not disclose or suggest anything related to communicating data message from a common terminal to a distributed terminal and storing the data messages in each of the distributed terminals.

Moreover, in response to Applicant's arguments that the cited prior art does not disclose or suggest changing a program of the subscriber unit based on the receive program data, which has been received through a paging channel, the Examiner merely responds that Criss et al. shows controlling various components within mobile terminals, "interpreted" as being changing a program, in col. 8, lines 5-10. These portions of Criss et al. merely disclose, as noted previously, that each mobile terminal includes a processor which can be programmed to control and to operate the various components within the mobile terminal in order to carry out the various functions described. These portions have nothing to do with changing a program of the subscriber unit based on the received program data, which has been received through a paging channel, as recited in the claims of the present application. Again, the Examiner appears to use

impermissible hindsight in reading the limitations in the claims of the present application back into the cited reference. Further, this justification is improper under § 102 that requires that each and every limitation in the claims of the present application be disclosed in the cited reference.

Similarly, the remaining Examiner responses to Applicant's previously filed arguments fail to justify the Examiners rejections under 35 U.S.C. § 102 requirements.

35 U.S.C. § 102 Rejections

Claims 1-7, 11-15, 21-25 and 26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Criss et al. Applicant has discussed the deficiencies of this reference in Applicant's previously filed response and reassert all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 U.S.P.Q.2d (BNA) 1429, 1431 (Fed. Cir. 1997). The identical invention must be shown in as complete detail as is contained in the . . . claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. §2131. The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. §2131. It is respectfully submitted that the Examiner has not met the required legal burden as set forth by the courts to substantiate valid rejections under 35 U.S.C. 102(e).

Regarding claims 1, 15, 23, 25 and 26, Applicant submits that Criss et al. does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, downloading the information to at least one mobile station through a paging channel, resetting the at least one mobile station using the stored information, storing the data messages in each of the distributed terminals, a common terminal communicating each of the data messages to all of the distributed terminals simultaneously through a paging channel, first means for receiving program data through a paging channel, or second means for changing a program of the subscriber unit based on the received program data.

As noted previously Criss et al. does not disclose or suggest anything related to a paging channel or downloading information to at least one mobile station through a paging channel, the at least one mobile station storing the information. Further, Criss et al. does not disclose or suggest anything related to controlling at least one mobile station (e.g., resetting) using the stored information and reporting a downloading result to the base station.

A search of the entire disclosure of Criss et al. for the term “paging” turns up no results. Further, the terms “paging channel” or “signaling” provide no results when used as search criteria in searching the entire disclosure of Criss et al. Clearly, Criss et al. does not disclose or suggest anything related to downloading information from a mobile station through a paging channel to at least one mobile station or controlling the mobile station using the stored information downloaded through the paging channel.

In addition, Criss et al. discloses that the file request packet 330 is transmitted from the host computer to the mobile terminal 36 according to the request from the mobile terminal 36 (see col. 21, lines 23-34). In contrast, according to embodiments of the present invention, the downloaded information is transmitted from the base station subsystem 40 to the mobile terminal 10 according to the request downloading information from the base station controller. In addition, the prior art discloses that the requested packet information transmitted to the mobile terminal 36 through a traffic channel or signal channel as indicated in the background art of this invention, not the paging channel.

Regarding claims 2-7, 11-14, 21, 22 and 24, Applicant submits that these claims are dependent on one of independent claims 1, 15 and 23 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Criss et al. does not disclose or suggest the limitations in the combination of each of claims 1-7, 11-15 and 21-26 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Serial No. 10/017,590

Docket No. HI-0047

Amendment dated June 20, 2006

Reply to Office Action of March 20, 2006

35 U.S.C §103 Rejections

Claims 8-10 and 16-20 have been rejected under 35 U.S.C §103(a) as being unpatentable over Criss et al. in view of Onoe et al. Applicant respectfully traverses these rejections and submits that claims 8-10 and 16-20 are dependent on one of independent claims 1 and 15 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Onoe et al. does not overcome the substantial defects noted previously regarding Criss et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 8-10 and 16-20 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-26 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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